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October 30, 2015

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***VIA ECFS***

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Notice of Ex Parte  
PS Docket No. 14-174, GN Docket No. 13-5, RM-11358, WC Docket No. 05-25,  
RM-10593

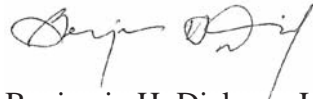
Dear Ms. Dortch:

On Wednesday, October 28, 2015, John D. Knox, President, and John Chwat, Director of Government Relations, of the Electronic Security Association (“ESA”) met with Gigi Sohn, Special Counsel for External Affairs for Chairman Wheeler, Stephanie Weiner, Senior Legal Advisor, and Vernon Ross. The purpose of the meetings was to discuss issues in the above-referenced proceedings.

During the meetings, ESA spoke generally about its concerns regarding copper retirement and the TDM-to-IP transition as it relates to the alarm industry, including power backup sufficiency and adequate choice for consumers when considering telecommunications providers. A copy of ESA’s comments in the above-referenced dockets which more fully describes these concerns is attached hereto, and was also distributed at the meeting.

Please feel free to contact me with questions about this correspondence.

Sincerely,

A handwritten signature in cursive script, appearing to read "Benji Dick".

Benjamin H. Dickens, Jr.

Salvatore Taillefer, Jr.

CC: Gigi Sohn



## LEGISLATIVE POSITION

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### Net Neutrality and Telecommunications Policy

#### Background:

The Electronic Security Association members protect the life, safety, and property of some 30 million homes and businesses. They are the largest providers of Medical Emergency Response Systems that protect seniors. ESA members are an integral part of the public safety network, and play a key role in emergency response during a national emergency such as 9/11, hurricanes, tornados, and earthquakes. They work closely with the police, fire, and emergency medical responders to ensure prompt dispatch of emergency personnel. Of equal importance, they are critical to ensuring that emergency personnel are not erroneously dispatched. The ability of ESA members to respond promptly to fire or break-in can mean the difference between the life and death and/or whether a property is destroyed by fire. This industry is a highly competitive business that includes both large and small businesses that have no problem competing on a level playing field. Historically, the industry has used traditional landline services and have millions of customers who are dependent upon local exchange carriers. The industry has joined the transition to broadband and wireless services for alarm and video monitoring, and is manufacturing and installing equipment that is compatible with those services.

#### Request:

ESA urges Congress in consideration of Net Neutrality issues to bar anticompetitive activities, and create a "level playing field" for the security industry. We are concerned that by the time the Federal Communications Commission (FCC) resolves a complaint, our customers' lives and property will be placed at risk and many of the small businesses in our industry will be driven out of business. The ESA's primary concern is that broadband and wireless network providers are increasingly offering services that compete with us in providing home and business security services. Without some protection for smaller players, these network providers will have an incentive to favor their own security services and "throttle" or "block" our emergency signals in order to gain a competitive advantage. Recognizing the inherent conflict of interest present when a common carrier offers the same services as its customers, Congress in 1996, included **Section 275** in their rewrite of the Communications Act. Section 275 provides a specific non-discrimination requirement, as well as an expedited hearing process for the alarm industry. We urge Congress to include similar protections in any telecommunications bill. Finally, in ESAs comments to the FCC recently, they advocated policies related to battery backup requirements and consumer awareness of these requirements; new technologies need to be reliable and perform to the same level as existing communications, and concerns on copper line retirement and deregulation.

#### Here's what ESA members do:

ESA's member companies are a vital component of public safety, representing more than 70 percent of the market for intrusion and fire/life safety systems, access control, and video surveillance and monitoring. Together they employ more than 500,000 industry professionals, and service more than 30 million residential and commercial accounts. More than 2,800 electronic life safety, security, and systems businesses in all 50 states and four U.S. territories hold membership in the ESA. The diversity of membership includes companies that specialize in single product segments as well as system integrators who provide comprehensive products and services to their customers. The nature of the business demands professional and personalized service.

#### For More Information:

Please contact Director of Government Relations John Chwat at [John@TheChwatGroup.com](mailto:John@TheChwatGroup.com) or (703) 566-3805.

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

February 3, 2015

|  |   |                      |
|--|---|----------------------|
| In the Matter of                                     | ) |                      |
|  | ) |                      |
| Ensuring Customer Premises Equipment                 | ) | PS Docket No. 14-174 |
| Backup Power for Continuity of                       | ) |                      |
| Communications                                       | ) |                      |
|  | ) |                      |
| Technology Transitions                               | ) | GN Docket No. 13-5   |
|  | ) |                      |
| Policies and Rules Governing Retirement Of           | ) | RM-11358             |
| Copper Lines by Incumbent Local Exchange             | ) |                      |
| Carriers   | ) |                      |
|  | ) |                      |
| Special Access for Price Cap Local Exchange          | ) | WC Docket No. 05-25  |
| Carriers   | ) |                      |
|  | ) |                      |
| AT&T Corporation Petition for Rulemaking to          | ) | RM-10593             |
| Reform Regulation of Incumbent Local Exchange        | ) |                      |
| Carrier Rates for Interstate Special Access Services | ) |                      |

**COMMENTS OF THE  
ELECTRONIC SECURITY ASSOCIATION**

The Electronic Security Association ("ESA"), on behalf of its members hereby files comments on the Commission's Notice of Proposed Rulemaking (NPRM) addressing a number of issues in connection with copper retirement and the transition of networks to Internet Protocol (IP), including backup power, the network change notification.

ESA is the largest trade association in the United States representing large and small businesses that professionally install and monitor electronic life safety and security systems for the public. ESA member companies represent more than 70 percent of the market for intrusion, fire alarm, access control and video surveillance systems, which are a vital component of public safety. They employ more than 400,000 security industry professionals, and service over 30 million residential and commercial clients. In



partnership with an alliance of state associations, more than 2,500 electronic life safety and security businesses hold membership in ESA.

We understand that the Alarm Industry Communications Committee (AICC) will be filing comments to the commission on this proposed rulemaking. ESA is an active member of the AICC and fully supports the positions of this major industry committee and their view of the alarm communications issues appearing in this FCC docket.

Of critical importance in the proposed rulemaking to ESA members and the alarm monitoring industry is; 1) having the ability to provide reliable back up power and communications during power outages for residential and commercial consumers; 2) insuring consumers have a choice when considering communication providers and; 3) insuring new communication technologies have equivalent or greater reliability and dependability as the technology it is replacing. Therefore, we seek the Commission's support that will ensure access to reliable communications is preserved, not degraded.

#### **Reliable back up power**

We urge the Commission to promote adherence in their rulemaking to the National Fire Protection Association (NFPA) minimum standards on the battery backup requirement of eight hours. The ability to maintain power for life saving communications during power outages is critical to protecting consumer's welfare. Not only is standby power for communications important for life safety systems, but it is also critical in allowing the consumer to dial 911 during these outages.

In regards to providers educating customers on the potential loss of service that might occur during power outages, we strongly believe that this must be required.

The Commission asks whether broadband providers should have any responsibility to install and/or monitor battery status and determine whether the battery has degraded. To improve its effectiveness and ease of use for the consumer, the backup power system should include a self- monitoring feature that notifies the customer audibly and visually when the backup power system is in use and when it is running low. A backup power system that provides an audible alarm sound only would not be effective if the consumer is not at home or otherwise does not hear the alert, which is entirely possible if the battery

backup unit is outside or in the garage. We believe that many consumers will not pay attention to these warnings and some may not be able to know what to do next. This is especially true of our older American population. During a US Senate Congressional hearing many Senators voiced concerns on whether the elderly are able to understand battery backup requirements. In many cases it requires personal interaction with consumers to assist with upgrading or changing a battery that needs attention. ESA believes more information and discussion is necessary to fully consider this question.

### **Consumers should have a choice when considering communication providers**

Another concern regards the issue of competition. In many cases rural customers may only have one ISP provider available. ISP providers are now entering the electronic life safety and security industry. These providers could have economic reasons to engage in paid prioritization, or prioritize the subsidiary services of the ISP to the detriment of consumers. This presents an unwarranted risk to citizens and independent businesses throughout the country.

ESA members are not against new technology or competition, nor are we opposed to innovative communications.

### **Equivalent or greater level of reliability and dependability**

It is paramount that new technologies perform to the same level as existing communications and be proven in real world field conditions. Currently the industry is experiencing many occasions in the field where legacy alarms will not communicate using VoIP technologies.

In this regard we are very concerned that the technologies described in this comment document should adhere to a simple and direct standard; the proposed technology should be more reliable than the present, especially with regard to VoIP technology versus time tested and reliable copper.

Based on ESA member and customer experiences, the reliability of VoIP technology, with limited back up power supply capabilities, remains questionable at best as an immediate and viable solution for copper-based technology. We cannot afford to experiment when lives are at stake. The Commission should not consider copper retirement for ISP

providers moving forward with new VoIP technology, unless it is independently determined that VoIP technology performs the same as or better than copper.

Therefore, we urge the Commission to require more extensive testing and validation by manufacturers and ISP's for any technology that seeks to impact the communications method used by electronic life safety and security industry.

### **Conclusion**

We applaud the discussion in paragraph 37 of this proposed rule in which the Commission asks whether it should "promote or monitor" continuity of service standardization. We agree with your inquiry and feel that providers and manufacturers need further and extensive testing of systems and devices for continuity of service. We would encourage expanded testing of new technology to ensure that alarms are not degraded in providing service to customers. We agree with comments such as those in paragraph 17, which states that, "...before policymakers can state with confidence that any new technology is comparable to or better than existing network technology, they must know the metrics by which to compare the two."

ESA is supportive of finding ways to protect consumers in preserving their lives and property in these dangerous times. No matter what the disaster or event is that impacts a community, our members are dedicated to provide continuity of communication services, protect our infrastructure and assist residential and commercial customers to get back to business and their daily lives. We look forward to working with the Commission as you proceed to suggest rules for the public to consider.

Respectfully submitted,



Marshall C. Marinace  
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972-807-6800



## TELECOMMUNICATIONS ACT OF 1996

JANUARY 31, 1996. Ordered to be printed

Mr. BLILEY, from the committee of conference,  
submitted the following

### CONFERENCE REPORT

[To accompany S. 652]

#### NEW SECTION 275—ALARM MONITORING SERVICES

##### *Senate bill*

Section 225 of the Senate bill adds a new section 258 to the Communications Act authorizing a BOC to provide alarm monitoring services four years after the date of enactment if the BOC has been authorized by the Commission to provide in-region interLATA service unless the Commission finds that such provision is not in the public interest. It requires the Commission to establish rules governing the provision of alarm services by a BOC. It provides for expedited consideration of complaints and allows the Commission to use title V remedies.

The one exception to this general rule is contained in section 258(f). It provides that the limitations of subsections (a) and (b) do

not apply to any alarm monitoring services provided by a BOC that was in that business as of June 1, 1995, as long as certain conditions specified in that subsection are met.

##### *House amendment*

Section 273(a) prohibits a BOC from offering alarm service until six (6) years after the date of enactment, unless a BOC was already providing such service on January 1, 1995.

Section 273(b) prohibits discrimination by a telephone company in the provision of alarm services, either by refusing to provide its competitors with the same network services it provides itself, or by cross-subsidizing from its local telephone service.

Section 273(c) establishes procedures for expedited consideration of complaints of violations of subsection (b), requiring the Commission to make a final determination within 120 days after the receipt of a complaint. If a violation is found, the Commission is required to issue a cease and desist order within 60 days.

##### *Conference agreement*

The conference agreement adopts the House provisions with modifications as a new section 275 of the Communications Act. The prohibition on BOC entry is shortened to 5 years. The grandfather provision is modified to clarify that new subsection (a) does not prohibit or limit the provision, directly or through an affiliate, of alarm monitoring services by a BOC that was engaged in providing alarm monitoring services as of November 30, 1995, directly or through an affiliate. However, such a BOC may not acquire an equity interest in or obtain financial control of any unaffiliated alarm monitoring services entities from November 30, 1995, until five years after the date of enactment. This section further provides that nothing in the language prohibiting acquisitions or control should be construed to prevent the exchange of customer accounts and related assets with unaffiliated alarm monitoring services entities.

The House nondiscrimination provisions are adopted with the clarification that they apply to incumbent local exchange carriers rather than all common carriers. The House provisions on expedited consideration of complaints are adopted with the clarification that they apply to incumbent local telephone carriers rather than all common carriers. The Senate provisions on the use of data by local exchange carriers are adopted with the clarification that they apply to all local exchange carriers. The House definition of "alarm monitoring service" is adopted with the clarification that the definition applies to the transmission of signals by means of the facilities of any local exchange carrier rather than just those of a BOC.



## **SEC. 275. ALARM MONITORING SERVICES.**

### **(a) DELAYED ENTRY INTO ALARM MONITORING-**

(1) PROHIBITION- No Bell operating company or affiliate thereof shall engage in the provision of alarm monitoring services before the date which is 5 years after the date of enactment of the Telecommunications Act of 1996.

(2) EXISTING ACTIVITIES- Paragraph (1) does not prohibit or limit the provision, directly or through an affiliate, of alarm monitoring services by a Bell operating company that was engaged in providing alarm monitoring services as of November 30, 1995, directly or through an affiliate. Such Bell operating company or affiliate may not acquire any equity interest in, or obtain financial control of, any unaffiliated alarm monitoring service entity after November 30, 1995, and until 5 years after the date of enactment of the Telecommunications Act of 1996, except that this sentence shall not prohibit an exchange of customers for the customers of an unaffiliated alarm monitoring service entity.

(b) NONDISCRIMINATION- An incumbent local exchange carrier (as defined in section 251(h)) engaged in the provision of alarm monitoring services shall--

(1) provide nonaffiliated entities, upon reasonable request, with the network services it provides to its own alarm monitoring operations, on nondiscriminatory terms and conditions; and

(2) not subsidize its alarm monitoring services either directly or indirectly from telephone exchange service operations.

(c) EXPEDITED CONSIDERATION OF COMPLAINTS- The Commission shall establish procedures for the receipt and review of complaints concerning violations of subsection (b) or the regulations thereunder that result in material financial harm to a provider of alarm monitoring service. Such procedures shall ensure that the Commission will make a final determination with respect to any such complaint within 120 days after receipt of the complaint. If the complaint contains an appropriate showing that the alleged violation occurred, as determined by the Commission in accordance with such regulations, the Commission shall, within 60 days after receipt of the complaint, order the incumbent local exchange carrier (as defined in section 251(h)) and its affiliates to cease engaging in such violation pending such final determination.

(d) USE OF DATA- A local exchange carrier may not record or use in any fashion the occurrence or contents of calls received by providers of alarm monitoring services for the purposes of marketing such services on behalf of such local exchange carrier, or any other entity. Any regulations necessary to enforce this subsection shall be issued initially within 6 months after the date of enactment of the Telecommunications Act of 1996.

(e) DEFINITION OF ALARM MONITORING SERVICE- The term 'alarm monitoring service' means a service that uses a device located at a residence, place of business, or other fixed premises--

(1) to receive signals from other devices located at or about such premises regarding a possible threat at such premises to life, safety, or property, from burglary, fire, vandalism, bodily injury, or other emergency, and

(2) to transmit a signal regarding such threat by means of transmission facilities of a local exchange carrier or one of its affiliates to a remote monitoring center to alert a person at such center of the need to inform the customer or another person or police, fire, rescue, security, or public safety personnel of such threat,

but does not include a service that uses a medical monitoring device attached to an individual for the automatic surveillance of an ongoing medical condition.